IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21637 of 2004

Between:

G. Tirumala Naidu, S/o. Pedda Venkata Swamy,
Fair Price Shop Dealer, R/o. Pinnapuram (V), Panyam (M),
Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, (Civil Supplies) Kurnool, Kurnool District.
2 Revenue Divisional Officer, Nandyala, Kurnool District.
3 G. Venkateshwarlu, S/o. G.C. Venkata Swamy,
Pinnapuram Vuillage, Panyam (M), Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring action of the 2nd respondent in issuing the impugned order in E.824/2004, dated 03-11-2004 while appeal pending before the 1st respondent is illegal, arbitrary and unconstitutional besides being in utter violation of principles of natural justice and consequently set aside impugned order in E.824/2004, dated 03-11-2004.

Counsel for the Petitioner:MR.J.RAMACHANDRA RAO

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner was suspended by the 2nd respondent through proceedings, dated 24.09.2004. Aggrieved thereby, he preferred an appeal before the 1st respondent together with an application for interim orders. The 1st respondent granted an order of stay on 08.10.2004. However, he vacated the same on 26.10.2004.

Alleging that the stay was vacated without notice, the petitioner filed W.P.No.20795 of 2004. This Court allowed the writ petition through order, dated 11.11.2004, and set aside the order of the 1st respondent, dated 26.10.2004. Thereby, the interim stay granted by him on 08.10.2004, stood revived.

The 2nd respondent issued proceedings, dated 03.11.2004, observing that in view of the orders passed by the 1st respondent, dated 26.10.2004, the petitioner is not entitled for the benefit of stay and directed the Mandal Revenue Officer to take necessary steps in pursuance of the order of suspension of dealership. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government pleader for Civil supplies.

The impugned order appears to have been passed, on account of communication gap. The order, dated 26.10.2004, passed by the 1st respondent was received by the 2nd respondent. However, he was not aware of the orders of this Court passed in W.P.No.20795 of 2004. Once the order, dated 26.10.2004, passed by the 1st respondent was set aside, the impugned proceedings cannot be sustained.

Hence, the writ petition is allowed and the order, dated 03.11.2004, passed by the 2nd respondent is set aside.

While disposing of the writ petition No.20795 of 2004, this Court directed the 1st respondent to dispose of the appeal itself, within two weeks. The present stage of the appeal is not known. If it is not yet disposed of, the 1st respondent shall expedite the disposal of the same. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 26th November, 2004

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To

1 The Joint Collector, (Civil Supplies) Kurnool, Kurnool District.
2 Revenue Divisional Officer, Nandyala, Kurnool District.
3 2 CCs to G.P for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

4 2 CD copies